

**Enrolled Minutes of the Fifteenth Regular or Special Meeting  
For the Twenty-Seventh Highland Town Council  
Regular Meeting  
Monday, July 23, 2012**

*Study Session.* The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, July 23, 2012 at 6:41 o'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Dan Vassar, Brian Novak and Konnie Kuiper were present. Councilor Herak was absent owing to commuter rail delay. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**General Substance of Matters Discussed.**

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the several proposals submitted by the Redevelopment Commission regarding vacant and under maintained properties.
3. The Town Council discussed the inquiry raised by a 41<sup>st</sup> Place resident regarding a Stop sign where 42<sup>nd</sup> Place meets Grace Street. The discussion involved whether a temporary sign may be erected.

The study session ended at 7:01 O'clock p.m.

*Regular meeting.* The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular (rescheduled) session on Monday, July 23, 2012 at 7:03 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Bernie Zemen presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings.

Councilor Konnie Kuiper recited the Pledge of Allegiance to the Flag of the United States of America and offered a prayer.

**Roll Call:** Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Additional Officials Present:** Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Patrick Vassar, Assistant Chief and Patrol Commander of the Metropolitan Police Department; Kenneth J. Mika, Building Commissioner; Alex M. Brown, CPRP, Parks and Recreation Superintendent; William R. Timmer, CFOD, and Cecile Petro, Redevelopment Director were present.

*Also present:* Ed Dabrowski IT Director (Contract); and Dennis Adams, Town Board of Metropolitan Police Commissioners were also present.

**Minutes of the Previous Meetings**

The minutes of the regular meeting of July 09, 2012 were approved by general consent.

**Special Orders:**

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2012 Budget **Safe Neighborhoods Grant Fund in the amount of \$133,661.00.**

- (a) Attorney verification of Proofs of Publication: (The TIMES 10 July 2012) The Town Attorney indicated that proofs were in compliance with IC 5-3-1.
- (b) Public **Hearing**. The Town Council President called the hearing to order. There were no comments written or spoken. The hearing was closed.
- (c) Action on **Appropriation Enactment No. 2012-32**: An Enactment Appropriating Additional Moneys in in Excess of the 2012 Budget **Safe Neighborhoods Grant Fund in the amount of \$133,661.00**.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Appropriation Enactment No. 2012-32. Councilor Kuiper seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Appropriation Enactment No. 2012-32. Councilor Novak seconded. Upon a roll call vote, a 2/3<sup>rd</sup> vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of introduction.

**Town of Highland  
Appropriation Enactment  
Enactment No. 2012-32**

**AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the SPECIAL SAFE NEIGHBORHOOD GRANT FUND, PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.**

**WHEREAS**, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Special Safe Neighborhood Grant Fund**;

**WHEREAS**, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

**NOW, THEREFORE BE IT ENACTED** by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Special Public Safety Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

**SPECIAL SAFE NEIGHBORHOOD GRANT FUND**

**PROJECT THIRTEEN**

2XX.XX Operating Expenses:		<u>\$ 9,981.00</u>
	Total Series:	\$ 9,981.00

3XX.XX Travel:		\$ 3,000.00
3XX.XX Contractual Services:		<u>\$41,228.00</u>
	Total Series:	\$44,228.00

**PROJECT FIFTEEN**

2XX.XX Operating Expenses:		<u>\$ 5,929.70</u>
	Total Series:	\$ 5,929.70

3XX.XX Travel:		\$15,470.30
3XX.XX Contractual Services:		<u>\$58,052.00</u>
	Total Series:	\$73,522.30

<b>Fund Total:</b>		<b>\$133,661.00</b>
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**Section 2.** That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

**Section 3.** That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 23<sup>rd</sup> Day of July 2012. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 23<sup>rd</sup> Day of July 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Special Recognition and Presentation.** Representatives of the Indiana Patriot Guards Riders seek to commend and recognize Metropolitan Police Chief *Peter T. Hojnicky* and Assistant Metropolitan Police Chief *Patrick Vassar*.

Representatives of the Northwest Indiana Patriot Guard presented plaques, styled as its "Humanitarian Award," to the Police Chiefs to express the group's appreciation for the support that Chief Hojnicky and Assistant Chief Vassar provided while the group did its work.

#### Unfinished Business and General Orders:

1. **Resolution No. 2012-31:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From The Services And Works Board Department To The Metropolitan Police Department Of The Corporation General Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Novak moved the passage and adoption of Resolution No. 2012-31. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

#### TOWN OF HIGHLAND APPROPRIATION TRANSFER RESOLUTION RESOLUTION NO. 2012-31

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from the SERVICES AND WORKS BOARD DEPARTMENT to the METROPOLITAN POLICE DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

**WHEREAS**, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories and Departments than were initially appropriated for the various functions of the **Metropolitan Police Department and the Services and Works Board Department of the Corporation General Fund**;

**NOW, THEREFORE BE IT RESOLVED** by the Town Council of the Town of Highland, Lake County, Indiana as follows:

**Section 1.** That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

**Section 2.** That it has been shown that certain existing designated but unobligated appropriations of the **Services and Works Board Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in **Metropolitan Police Department of the Corporation General Fund** in order to satisfy an existing need, as follows:

#### CORPORATION GENERAL FUND

#### Metropolitan Police Department

Increase Acct: #112.04 Physicals and Testing:	<u>\$1,625.00</u>
Total Series and Department:	\$1,625.00

**Works Board & Services Department**

Decrease Acct # 340.15 Rainy Day Fund	<u>\$1,625.00</u>
Total Series and Department:	\$1,625.00

**Total Increase to Fund:** **\$ 0.00**

**DULY RESOLVED and ADOPTED** this 23<sup>rd</sup> Day of July 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Proposed Ordinance No. 1515:** An Ordinance to Amend Sections of Chapter Seventy-One of the Highland Municipal Code, Particularly Amending the Subchapter styled as Parades, Pursuant to IC 36-1-3 et seq. and other relevant Statutes.

Councilor Herak introduced and moved the consideration at the same meeting of introduction Ordinance No. 1515. Seconded by Councilor Novak. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1515. Seconded by Councilor Kuiper. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

**Ordinance No. 1515  
of the  
TOWN of HIGHLAND, INDIANA**

**AN ORDINANCE to AMEND SECTIONS OF CHAPTER SEVENTY-ONE of the HIGHLAND MUNICIPAL CODE, PARTICULARLY AMENDING THE SUBCHAPTER STYLED AS PARADES, PURSUANT TO IC 36-1-3 ET SEQ. AND OTHER RELEVANT STATUTES.**

**WHEREAS**, IC 36-1-3-2 and IC 36-1-3-6(b)(1) confer upon all local units the powers that they need for the effective operation of government as to local affairs and prescribe the manner and form of enactment for any such exercise of power;

**WHEREAS**, IC 36-1-3-8(6) further provides that a unit does not have power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services ;and

**WHEREAS**, The Metropolitan Police Department of Highland from time to time performs certain services, related to the course of public safety services generally, particularly related to crowd control, and special event support, for which added time, human resources costs and paperwork ensue; and

**Whereas**, The Town Board of Metropolitan Police Commissioners has advised the legislative body that the change of chapter regarding assembly permits for which certain charges should be authorized, established in part to recover costs occasioned by the municipality in the performance of these services, with such charges to be receipted and paid to the municipal treasury, would be desirable in the administration of the municipality and of benefit to the public;

**Whereas**, The Town Council believes that such fees either being changed or established for first time, all established in part to recover costs occasioned by the municipality in the performance of these services, would be necessary or desirable in the administration of the municipality and of benefit to the public;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY** the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That the Highland Municipal Code be amended by repealing the subchapter, entitled Parades comprised of sections §71.25 through §71.37 in their entirety and replacing them with a new subchapter, entitled *Special Events, Parades and Assemblies* with sections, to be numbered as sections §71.25 through §71.37, which shall read as follows:

*SPECIAL EVENTS, PARADES and ASSEMBLIES*

**§ 71.25 DEFINITIONS.**

When used in this ordinance, the following words, terms, and phrases have the meaning ascribed to them in this Section.

“Parade or Special Event” means ceremonial formations, processions, or events containing one or more persons and or vehicles, utilizing public property in the Town of Highland, which seek public safety resources to facilitate safe passage/security of those involved in the event. Such events include but are not limited to: parades, marathons, fireworks, rally, bicycling events, organized events, organized fundraisers (for profit and not-for-profit organizations), and block parties, etc.

**§ 71.26 EXEMPTIONS.**

This subchapter shall not apply to:

- (A) Funeral processions;
- (B) Students going to and from school classes or participating in educational activities, provided such conduct is under the immediate direction and supervision of the proper school authorities;
- (C) A governmental agency acting within the scope of its functions.

**§ 71.27 PERMIT REQUIRED.**

No person shall engage in, participate in, aid, form or start any Parade/Special Event, without a parade permit issued by the Chief of Police.

**§ 71.28 PERMIT APPLICATIONS.**

(A) Applications must be submitted to the Chief of Police not less than forty-five days and not more than sixty days before the special event. Applications must be submitted to the Highland Police Department M-F 8:30 a.m. - 4:30 p.m., except on holidays.

(B) The application shall contain all information relevant and necessary to determine whether a particular permit may be issued, including, but not limited to:

- (1) The name, address and telephone number of the person seeking to conduct such Parade/Special Event;
- (2) If the Parade/Special Event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
- (3) The name, address and telephone number of the person who will be the Parade/Special Event chairman and who will be responsible for its conduct;
- (4) The date when the Parade/Special Event is to be conducted;
- (5) The route to be traveled, the starting point and the termination point;
- (6) The approximate number of persons who, and animals and vehicles which, will constitute such Parade/Special Event; the type of animals, and description of the vehicles;
- (7) The hours when such Parade/Special Event will start and terminate;
- (8) A statement as to whether the Parade/Special Event will occupy all or only a portion of the width of the streets proposed to be traveled;
- (9) The location by streets of any assembly areas for such Parade/Special Event;
- (10) The time at which units of the Parade/Special Event will begin to assemble at any such assembly area or areas;
- (11) The interval of space to be maintained between units of such Parade/Special Event;
- (12) If the Parade/Special Event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the Parade/Special Event, authorizing the applicant to apply for the permit on his behalf;
- (13) Any additional information which the Chief of Police shall find reasonably necessary to a fair determination as to whether a permit should be issued.

(C) The Chief of Police, where good cause is shown, shall have the authority to consider any application hereunder which is filed less than forty-five days before the date such Parade/Special Event is proposed to be conducted.

**§ 71.29 PERMIT FEES.**

Parade/Special Event fees are for the purpose of offsetting the cost of additional personnel the Chief of Police determines are necessary due to the conduct of the parade. Parade/Special Event fees will be calculated and paid under the following conditions:

- (1) Standard non-refundable permit fee of \$250.
- (2) If the Parade/Special Event requires additional personnel such as a combination of sworn officers, civilian and VIPs, staff will be scheduled accordingly and the costs of additional personnel shall be calculated as follows:
  - (a) For each sworn officer assigned a fee of at **\$25 per hour** per officer will be charged. Time will be rounded rounded to the nearest half-hour.
  - (b) For each Volunteer in Police Services member assigned, a fee of at **\$20 per hour** per member will be charged. Time will be rounded to the nearest half-hour.

- (c) For each civilian employee assigned, a fee of at **\$15 per hour** per employee will be charged. Time will be rounded to the nearest half-hour.
- (3) The permit fee must be paid in full at the time an application is granted and is non-refundable.
- (4) The Chief of Police may waive a fee should the event not impose a detriment on the Police department, i.e. requires only minimal staffing for a short period of time (less than 30 minutes) and the event sponsor does not collect a fee from participants. *He shall issue a permit, indicating that the fee is waived.*
- (5) Fees will be deposited in the *Special Public Safety Fund*, for use according to provisions establishing that fund.
- (6) **Block parties** require a permit under this chapter. However, the permit fee is waived.

#### § 71.30 STANDARDS FOR PERMIT ISSUANCE.

The Chief of Police shall issue a parade permit when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that:

- (A) The conduct of the Parade/Special Event will not substantially interrupt the sane and orderly movement of other traffic contiguous to its route;
- (B) The conduct of the Parade/Special Event will not require the diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to this town;
- (C) The conduct of such Parade/Special Event will not require the diversion of so great a number or ambulances as to prevent normal ambulance service to portions of this town other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (D) The concentration of persons, animals and vehicles at assembly points of the Parade/Special Event will not unduly interfere with proper fire and police protection or, of ambulance service to, areas contiguous to such assembly areas;
- (E) The conduct of such Parade/Special Event will not interfere with the movement of firefighting equipment en route to a fire;
- (F) The conduct of the Parade/Special Event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (G) The Parade/Special Event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (H) The Parade/Special Event is not to be held for the sole purpose of advertising any product, cause, goods or events and is not designed to be held purely for private profit.

#### § 71.31 NOTICE OF PERMIT DENIAL.

Application will be approved or denied within ten (10) days of receipt. Notice shall be sent to applicant's address by regular mail.

#### § 71.32 ALTERNATIVE PERMIT.

- (A) The Chief of Police, in denying an application for a Parade/Special Event permit, is authorized to approve and permit the conduct of the Parade/Special Event on a date, at a time, at a place or over a route different from that named by the applicant.
- (B) An applicant desiring to accept an alternate permit shall, within five days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief or Police.
- (C) An alternate Parade/Special Event permit shall conform to the requirements of, and shall have the effect of a Parade/Special Event permit under this subchapter.

#### § 71.33 PREREQUISITES FOR RECEIVING PERMIT.

- (A) If an application is approved by the Chief of Police, prior to receiving a permit, the applicant shall provide proof of financial responsibility and execute an indemnification agreement releasing the Town from any liability associated with the Parade/Special Event.
- (B) Applicants will also be required to name the Town as an additional insured on its insurance policy for the duration of the Parade/Special Event. This subsection applies to all permit holders, whether or not a permit fee is charged.

#### § 71.34 CONTENTS OF PERMIT.

Each Parade/Special Event permit shall state the following information:

- (1) Starting time;

- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the Parade/Special Event;
- (5) The portions of the streets to be traversed that may be occupied by the Parade/Special Event;
- (6) The maximum length of the Parade/Special Event in miles or fractions thereof;
- (7) Such other information as the Chief of Police shall find necessary to the enforcement of this subchapter.

**§ 71.35 REVOCATION OF PERMIT.**

The Chief of Police shall have the authority, after a hearing affording due process, to revoke a Parade/Special Event permit issued hereunder upon application of the standards for issuance as set forth in this subchapter.

**§ 71.36 COMPLIANCE WITH LAWS AND REGULATIONS.**

(A) A person holding a Parade/Special Event permit shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(B) During the Parade/Special Event, all moving gasoline and/or diesel-powered vehicles must be equipped with an operational fire extinguisher on board at all times.

(C) If a Parade/Special Event hosts an event involving physical activity by participants, including, but not limited to, running, walking, or a bike race, the applicant shall provide a minimum of one first responder to assist in medical emergencies.

(D) At any time before or during the Parade/Special Event it is determined either a violation of this permit is identified or the Parade/Special Event is dangerous, police personnel have immediate authority to discontinue the event.

**§ 71.37 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 70.99.

(B) Any person who violates or fails to comply with § 71.36 of this chapter, or any part thereof, shall be punished by a fine of \$250 per violation. Every violation of this section shall constitute a separate offense.

**Section 2.** Whereas an emergency exists for the immediate taking effect of this Ordinance, it shall become and be in full force and effect from and after the date of its passage and adoption evidenced by the executive's signature in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 23<sup>rd</sup> day of July 2012. Consideration on same evening of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED AND ADOPTED** this 23<sup>rd</sup> Day of July 2012, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

**Attest:**

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Proposed Ordinance No. 1516:** An Ordinance to Further Amend the Highland Municipal Code By Modifying provisions related to the Special Public Safety Fund and the Special Sanitary District Public Safety Fund, pursuant to IC 36-1-3 et seq.

Councilor Novak introduced and moved the consideration at the same meeting of introduction Ordinance No. 1516. Seconded by Councilor Herak. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance could be considered.

Councilor Novak moved the passage and adoption at the same meeting of introduction of Ordinance No. 1515. Seconded by Councilor Herak. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The ordinance was adopted.

ORDINANCE NO. 1516  
of the  
TOWN of HIGHLAND, INDIANA

AN ORDINANCE TO FURTHER AMEND THE HIGHLAND MUNICIPAL CODE BY MODIFYING PROVISIONS  
RELATED TO THE SPECIAL PUBLIC SAFETY FUND AND THE SPECIAL SANITARY DISTRICT PUBLIC  
SAFETY FUND, PURSUANT TO IC 36-1-3 ET SEQ.

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town has received a special distribution authorized by Section 477 of Public Law 182-2009 (ss), and an action of the Lake County Council for the Civil Town in the amount of \$126,703, and the proceeds may only be used for public safety purposes;

WHEREAS, The Town has received a special distribution authorized by Section 477 of Public Law 182-2009 (ss), and an action of the Lake County Council for the Town of Highland Sanitary District in the amount of \$3,143 and the proceeds may only be used for public safety purposes;

WHEREAS, The Town Council has determined that it would be desirable to establish a special fund or funds and to allow the fund or funds to be used for public safety purposes; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as a further amendment to the Highland Municipal Code related to the Special Public Safety Fund and the Special Sanitary District Public Safety Fund, in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

**Section 1.** That Ordinance Nos. 1439 and 1488.1439-A are repealed in their entirety, provided the funds on deposit to the credit of funds that were established by those ordinances shall be credited to and remain with the successor fund(s) created by this ordinance;

**Section 2.** The Highland Municipal Code is hereby amended by adding a new Chapter or Subchapter, as the Clerk-Treasurer may direct, to be numbered \_\_\_\_ and to be entitled: Special Public Safety Fund, which shall read as follows:

**SPECIAL PUBLIC SAFETY FUND**

**§ XXX.01 ESTABLISHMENT**

(A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the *Special Public Safety Fund*, pursuant to IC 36-1-3 et seq., and Section 477 of Public Law 182-2009 (ss).

(B) The *Special Public Safety Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and public safety purposes as are identified in this subchapter.

(C) The sources of funding for the *Special Public Safety Fund* includes the following:

1. The particular distribution transferred from the dormant county welfare funds, by the Lake County Council and distributed pursuant to provisions set forth in Section 477 of Public Law 182-2009 (ss).
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. Gifts, donations and other voluntary contributions from any person to the fund consistent with the lawful purposes and objects of the fund; and
4. Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant.



5. *Fees charged and collected for Special Events/Parade Permits as set forth in Section § 71.29 of the municipal code*<sup>1</sup>.

(D) The *Special Public Safety Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) The *Special Public Safety Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

**§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES**

(A) Expenditures from the *Special Public Safety Fund* shall only be used for the following purposes:

1. To pay expenses related to public safety purposes, all pursuant to Section 477 of Public Law 182-2009 (ss);
2. To pay the deductibles on insurance not already provided for in other funds of the municipality, provided it is for public safety purposes;
3. To pay monetary settlements, damages or claims in consequence of a legal cause of action, provided it is related to public safety purposes;
4. To purchase gasoline and oil for the operation of motorized vehicles used for public safety purposes;
5. To purchase equipment, motor vehicles, special purpose vehicles, and accessories for such vehicles that are used for public safety purposes;
6. To pay expenses related to maintenance and repairs of the emergency and weather warning siren system of the Town;
7. To pay such other expenses for acquisition or related costs for, property (real or personal) or for such other goods and services as may be identified from time to time, for which an appropriation has been approved and possesses or is related to a public safety purpose.

**§ XXX.03 EXPENDITURE UPON APPROPRIATION**

Expenditures from the *Special Public Safety Fund* may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

**§ XXX.04 INVESTMENTS AUTHORIZED**

Money in the *Special Public Safety Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

**§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS**

(A) All unused and unencumbered cash on deposit to the credit of the *Special Public Safety Fund* does not revert to the corporation general fund nor to any other fund but shall remain with the *Special Public Safety Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

(B) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire the fund, following completion of the required audit by the State Board of Accounts.

**Section 3.** The Highland Municipal Code is hereby amended by adding a new subchapter to be numbered § 170.90 through § 170.94 and to be entitled: *Special Sanitary District Public Safety Fund*, which shall read as follows:

**SPECIAL SANITARY DISTRICT PUBLIC SAFETY FUND**

**§ 170.90 ESTABLISHMENT**

(A) There is hereby authorized, created and established a fund of the Department of Public Sanitation and its Sanitary District of the Town of Highland, to be called the *Special Sanitary District Public Safety Fund*, pursuant to IC 36-1-3 et seq., IC 36-9-25 et seq., and Section 477 of Public Law 182-2009 (ss).

(B) The *Special Sanitary District Public Safety Fund* is dedicated and established for accumulating funds to provide resources to support lawful purposes of the municipality, and public safety purposes as are identified in this subchapter.

(C) The sources of funding for the *Special Sanitary District Public Safety Fund* includes the following:

1. The particular distribution transferred from the dormant county welfare funds, by the Lake County Council and distributed pursuant to provisions set forth in Section 477 of Public Law 182-2009 (ss).
2. Interest earned from the investment of moneys on deposit to the credit of the fund, provided such investments are conducted pursuant to I.C. 5-13-9 et seq.;
3. **Gifts, donations and other voluntary contributions from any person to the fund consistent with the lawful purposes and objects of the fund; and**
4. **Money derived from state or federal reimbursement grants, matching funds, or contributions for such projects as may be consistent with the objects and purposes of this fund, and the associated grant.**

(D) The *Special Sanitary District Public Safety Fund* is subject to the same appropriation process as other funds of the municipality that receive tax money.

(E) The *Special Sanitary District Public Safety Fund* is established and remains in effect until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by action of the Town Council, whichever comes first.

**§ 170.91 PURPOSES, USES and PERMISSIBLE EXPENDITURES**

(A) Expenditures from the *Special Sanitary District Public Safety Fund* shall only be used for the following purposes:

1. To pay expenses related to public safety purposes, all pursuant to Section 477 of Public Law 182-2009 (ss);
2. To purchase of gasoline and oil for the operation of motorized vehicles used for public safety purposes;
3. To purchase equipment, motor vehicles, special purpose vehicles, and accessories for such vehicles that are used for public safety purposes;
4. To pay such other expenses for acquisition or related costs for, property (real or personal) or for such other goods and services as may be identified from time to time, for which an appropriation has been approved and that possesses or is related to a public safety purpose.

**§ 170.92 EXPENDITURE UPON APPROPRIATION**

Expenditures from the *Special Sanitary District Public Safety Fund* may be made only upon appropriation by the Board of Sanitary Commissioners for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the Board of Sanitary Commissioners, all pursuant to IC 5-11-10 and IC 36-9-25.

**§ 170.93 INVESTMENTS AUTHORIZED**

Money in the *Special Sanitary District Public Safety Fund* may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

**§ 170.94 PRESERVATION and DISPOSITION OF FUND ASSETS**

(A) All unused and unencumbered cash on deposit to the credit of the *Special Sanitary District Public Safety Fund* does not revert to the corporation general fund nor to any other fund of the municipality or the Sanitary District but shall remain with the *Special Sanitary District Public Safety Fund* until such time as all the cash on deposit to the fund is expended or until the fund is repealed or rescinded by ordinance of the Town Council, whichever comes first.

(B) Unless otherwise provided by ordinance, if all cash on deposit to the fund is expended, the municipal fiscal officer shall be authorized to retire and abolish the fund, following completion of the required audit by the State Board of Accounts.

**Section 4.** That the provisions provided in Ordinance No. 1439 and restated in Ordinance No. 1488-1439-A, which particularly provide the following are still in full force and effect:

(A) That following passage and adoption of this ordinance the distribution authorized by Section 477 of Public Law 182-2009 (ss) and received by the Civil Town in the amount of **\$126,703**, minus any expended under the authority of a prior ordinances as well as any Federal grants, shall remain on deposit to the credit of the **Special Public Safety Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund; and

(B) That following passage and adoption of this ordinance the distribution authorized by Section 477 of Public Law 182-2009 (ss) and received by the Sanitary District in the amount of **\$3,143** shall remain on deposit to credit of the **Special Sanitary District Public Safety Fund created by this Ordinance**, where it may be spent according to the provisions governing the fund;

**Section 5.** That any and all such ordinances in conflict with the provisions of this ordinance, are hereby repealed and are of no further force or effect. The Clerk-Treasurer shall be authorized to assign appropriate section numbers in support of the **codification** of the particular provisions ordinance, where necessary.

**Section 6.** This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 23rd day of July 2012. Consideration on same day or at same meeting of introduction attained 5 votes in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

**DULY ORDAINED and ADOPTED** this 23<sup>rd</sup> day of July 2012 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor 0 opposed.

TOWN COUNCIL of the TOWN of  
HIGHLAND, INDIANA

Bernie Zemen, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Action to authorize and approve the Town Council to execute member signatures on Town Board of Metropolitan Police Commissioner letters commending Sergeant John Banasiak, Acting Sergeant Randall Stewart, Corporal Shawn Anderson, Acting Corporal Erich Swisher, and Officer Michael Grash for their work in the *Field Training Program*.**

Councilor Vassar moved that the members individually and collectively be authorized to affix their signatures to the commendation letter above for the officers named above.

5. **Action to approve *compensatory time off* for Exempt Salaried Personnel, pursuant to Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance, occurring April through June 2012.**

Peter T. Hojnicky	37 hours	Approved to date: 62.5 hours
Patrick L. Vassar	20 hours	Approved to date: 80 hours
George Georgeff	4.5 hours	Approved to date: 29 hours
Ralph Potesta	6.5 hours	Approved to date: 40.5 hours

Councilor Herak moved that the hours as depicted for Chief Hojnicky, Commander Georgeff and Commander Potesta be approved for use as paid time off or compensatory time off. Upon a roll call, there were five affirmatives and no negative. The motion passed. The use of compensatory time was approved as indicated.

Councilor Herak moved that the hours as depicted for Assistant Chief Pat Vassar be approved for use as paid time off or compensatory time off. Upon a roll call, there were four affirmatives, no negatives and one abstention. With Councilors Zemen, Herak, Novak and Kuiper voting in the affirmative and Councilor Vassar abstaining, the motion passed. The use of compensatory time was approved.

**Comments from the Town Council Members  
(For the Good of the Order)**

- **Councilor Mark Herak:** • *Budget and Finance Chair* • *Liaison to the Board of Sanitary Commissioners* • *Liaison to the Community Events Commission* • *Park and Recreation Board Liaison*.

Councilor Herak commended the Town Council President for his imminent birthday.

Councilor Herak recognized the Public Works Director who offered a cursory report regarding matters before the Board of Sanitary Commissioners.

Councilor Herak recognized the Building Commissioner who reported on matters before the ABZA. The Building Commissioner also offered an update regarding Unsafe Building enforcement in Town.

Councilor Herak recognized the Parks and Recreation Superintendent who reported on matters involving the Parks and Recreation Department.

It was also noted that Angela Gora, Recreation Director would be resigning in August to accompany her husband to a tenure instructor's position in another state.

- **Councilor Dan Vassar:** • *Redevelopment Commission Liaison.*

Councilor Vassar indicated that Ms. Gora would be missed, commending her work favorably.

Councilor Vassar recognized the Redevelopment Director who reported on the Façade Improvement program.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners Liaison • Chamber of Commerce Liaison.*

Councilor Kuiper recognized the Fire Chief who offered a cursory survey of Fire Department activities.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Traffic Safety Commission Member • Northwestern Indiana Regional Planning Commission member • Lake County Solid Waste Management District Board Member.*

Councilor Novak expressed appreciation for all the good wishes related to his Mom's cardiac bypass surgery.

Councilor Novak also expressed unhappiness with the weeds and unwanted growth through sidewalks and curbs throughout Town and particularly along the commercial corridor of Indianapolis Boulevard. He further inquired about what could be applied to correct it.

- **Councilor Bernie Zemen:** *Town Executive • Chamber of Commerce Liaison • Police Pension Board Chairman • Plan Commission member • Liaison to the Board of Waterworks Directors*

Council President Zemen offered his get well wishes to Marsha Novak, Councilor Novak's mom. The Council President also announced his backyard party styled as "Zemenfest," to be conducted on August 5.

#### **Comments from the Public or Visitors**

1. Mr. William O'Connor, 5268 Hohman Avenue, Hammond, urged that the Town cause some "permanent recognition" for Thurm Ferree, recently deceased. Mr. Ferree served as a Highland Town Councilor, its president, a County Councilor, an Indiana State Senator, the Highland School Board, and recently was serving on the Board of Sanitary Commissioners. Mr. O'Connor indicated that he was a former Highland resident who served on a 1966 championship team that was coached by Ferree.

**Payment of Accounts Payable Vouchers.** There being no further comments from the public, Councilor Novak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period July 10, 2012 through July 23, 2012 as well as the Payroll Docket for the payday of June 29 2012. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets were allowed and the Clerk-Treasurer was authorized to make payment.

**Vendors Accounts Payable Docket:**

**General Fund, \$345,650.42; Motor Vehicle Highway and Street (MVH) Fund, \$38,807.09; Local Road and Streets Fund, \$94,089.91; Law Enforcement Cont. Education and Supply Fund, \$65.14; Insurance Premium Agency Fund, \$143,052.36; Gasoline Agency Fund, \$25,705.19; Information and Communications Technology Fund, \$5,042.92; Special Events Non Reverting Fund, \$8,976.52; Police Pension Trust Fund, \$100; Municipal Cumulative Capital Development Fund, \$33,292.00; General Improvement Fund, \$276.00; Traffic Violations and Law Enforcement Agency Fund, \$6,647.00; Municipal Street Cumulative Fund, \$1,905.50; Sexual Predator Grant Fund, \$4,896.00; Gaming Revenue Sharing Fund, \$6,503.24; Corporation Capital Fund, \$1,027.50; Special Public Safety Fund, \$1,649.00; Payroll Fund, \$33,105.56. Total: \$751,400.65.**

**Payroll Docket, payday of June 29, 2012:**

*Council Boards and Commissions, \$10,268.50; Office of the Clerk-Treasurer, \$12,126.98; Building and Inspection Department, \$6,764.92; Metropolitan Police Department, \$104,217.43; Fire Department, \$3,061.05; Public Works Department (Agency), \$62,443.43; and Police Pension Trust Fund (1925 Act), \$60,994.53; Total: \$259,876.84.*

**Adjournment.** Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Novak seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, July 23, 2012 was adjourned at 7:34 O'clock p.m.

**Study Session.** The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session immediately following the regular meeting on Monday, July 23, 2012 at 7:41 O'clock P.M. in the regular place, but the upper meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

**Silent Roll Call:** Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

**Also Present:** Rhett L. Tauber, Town Attorney; Peter Hojnicky, Metropolitan Police Department; and Pat Vassar, Assistant Chief were also present.

**General Substance of Matters Discussed.**

1. The Town Council and the Police Chiefs discussed a remark offered by Councilor Herak following the vote to approve the use of compensatory time off by salaried exempt employees. The gist of the discussion concerned a word used to characterize the seeking of both compensatory time as paid time off and also seeking to pay some of the same workers for up to one week of vacation at year end.
2. The Town Council and the Police Chiefs discussed whether a worker who was recently discharged from employment with the town could remain a member of the Volunteers in Police Services (VIPS). The Town Attorney advised that based upon the rationale for the particular worker's discharge, the former worker should not be permitted to continue participation in the VIPS.

3. The Town Council discussed the matter raised by Councilor Novak during the plenary business meeting regarding weeds and unwanted growth through sidewalks and curbs throughout Town and particularly along the commercial corridor of Indianapolis Boulevard.
4. The Town Council discussed the current code regulation requiring fences around swimming pools of 36" or more. The discussion included consideration of whether the building code could require fences for shallower pools.
5. The Town Council discussed the status and progress on the Soccer Field construction near Kleinman Avenue portion of Sheppard Park.

There being no further matters to discuss, the Study Session following the plenary business meeting of Highland Town Council of Monday, July 23, 2012 was adjourned at 8:01 p.m. O'clock.

Michael W. Griffin, IAMC/MMC/CPFA  
Clerk-Treasurer